

Motion denied, for the reasons stated  
in the response brief at docket no. 5685.

IT IS SO ORDERED.

s/Dan Aaron Polster

**DAN AARON POLSTER**

**U.S. DISTRICT JUDGE**

Dated: October 17, 2024

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:**

*All TPP Cases*

**MDL NO. 2804**

**Case No. 17-MD-2804**

**Judge Dan Aaron Polster**

**PBM DEFENDANTS' MOTION TO STRIKE THE ALLEGATIONS AND CLAIMS  
AGAINST THEM IN THE CONSOLIDATED AND AMENDED THIRD PARTY PAYOR  
CLASS ACTION COMPLAINT**

Express Scripts, Inc., OptumRx, Inc., and their affiliates (**PBM Defendants**) jointly move to strike the allegations and claims against them from the Consolidated and Amended Third Party Payor Class Action Complaint and Jury Demand (**Amended TPP Class Complaint**).

On September 20, 2024, the PEC and counsel for plaintiffs in the third-party payor track cases (**TPP Plaintiffs**) filed a Notice of Service related to “All TPP Cases.” *See* Dkt. 5638. The Notice stated that the TPP Plaintiffs had “served the Defendants, the Court, and the Special Master” that same day with the Amended TPP Class Complaint in *American Federation of State, County, & Municipal Employees District Council 37 Health & Security Plan, et al. v. Purdue Pharma, L.P., et al.*, Case No. 1:17-cv-2585, 1:18-op-45013-DAP. *Id.* at 1. The Notice further stated that the TPP Plaintiffs “hereby submit the proposed amended complaint and identify this case as an appropriate non-bellwether case in which to state class allegations.” *Id.* at 2.

In the Amended TPP Class Complaint, three plaintiffs—the American Federation of State, County, and Municipal Employees District Council 37 Health & Security Plan (**District Council 37**); Bios Companies, Inc. Welfare Plan; and Bios Companies, Inc. as plan sponsor and fiduciary of Bios Companies, Inc. Welfare Plan (together, the **Bios Plaintiffs**)—purport to add the PBM